

Swinomish Indian Tribal Community v. BNSF Railway Company
No. C15-543 RSL

Trial Exhibit List

NO.	DESCRIPTION	ADMITTED/ REFUSED	DATE ADMITTED/ REFUSED	NOTES
1	Treaty of Point Elliott, dated 1/22/1855	A	03-20-2023	
2	Silvernale letter to Dauphinais, dated 6/22/1989	A	03-20-2023	
3	Right-Of-Way Easement – Burlington Northern, dated 7/19/1991	A	03-20-2023	
4	Dillon letter to Tribe, dated 7/6/2010	A	03-20-2023	
5	Dillon email re Notice Information for BNSF Swinomish R-of-W, dated 9/17/2010	A	03-20-2023	
6	Geary email re Tesoro update, dated 6/20/2011 (BNSF0013039)	A	03-20-2023	
7	Hill email re Fw Anacortes Spur Rail Upgrades, dated 7/13/2011	A	03-20-2023	
8	Draper email re Tesoro-Fidalgo, dated 7/15/2011	A	03-20-2023	
9	Williams email re Anacortes Spur Upgrade, dated 7/21/2011	A	03-20-2023	
10	Presentation-Petroleum Crude Oil 101, dated 8/1/2011	A	03-20-2023	
11	Fjellman letter to Dillon re Easement, dated 8/17/2011	A	03-20-2023	
12	Dillon email re FW WA534-Swinomish Easement, dated 8/22/2011	A	03-20-2023	
13	Colby email re Tesoro Contract, dated 9/22/2011	A	03-20-2023	
14	Kalla letter to Dillon, dated 10/18/2011	A	03-20-2023	
15	Dillon email re WA534-Swinomish Indian Tribal Community, dated 10/20/2011	A	03-20-2023	

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16	Geringer email re WA534-Swinomish Easement, dated 11/2/2011	A	03-20-2023	
17	Navarro email re Crude Meeting at Shell Fidalgo-Concept 4, dated 8/28/2012	A	03-20-2023	
18	Geary email re Tesoro-Timing for 5 trains-week, dated 8/29/2012	A	03-20-2023	
19	Hill email re Tesoro Signed Master and Anacortes Implementing Agreement, dated 9/4/2012	A	03-20-2023	
20	Cladoosby letter to Finn, dated 9/27/2012	A	03-20-2023	
21	Finn letter to Cladoosby, dated 11/12/2012	A	03-20-2023	
22	Finn letter to Cladoosby, dated 1/7/2013	A	03-20-2023	
23	Confidentiality and Restricted Use Agreement, with attached metadata for date	A	03-20-2023	
24	LeCuyer letter to DiJulio re BNSF Easement, Swinomish Indian Reservation, dated 2/5/2013	A	03-20-2023	
25	Parish letter to LeCuyer re BNSF Railway Easement Crossing, dated 2/14/2013	A	03-20-2023	
26	LeCuyer letter to Parish, dated 4/16/2013	A	03-20-2023	
27	Parish letter to LeCuyer re BNSF Easement, dated 5/2/2013	A	03-20-2023	
28	DiJulio letter to LeCuyer, dated 7/2/2013	A	03-20-2023	
29	Perkins email re Meeting Notes - Shell Fidalgo Anacortes Project, dated 8/21/2013	A	03-20-2023	
30	Presentation: Mega Study PNW Economic Development, dated 8/30/2013	A	03-20-2023	
31	Cunningham email re Shell, dated 9/7/2013	A	03-20-2023	

NO.	DESCRIPTION	ADMITTED/ REFUSED	DATE ADMITTED/ REFUSED	NOTES
32	Cunningham email re FW Swinomish Proposalv2.pptx, with attachment, dated 12/3/2013	A	03-20-2023	
33	DiJulio email re BNSF-SITC ER 408, with attachment, dated 12/23/2013	A	03-20-2023	
34	Bardue email re 2013 Year End Revenue-Units, dated 1/24/2014	A	03-20-2023	
35	LeCuyer letter to DiJulio re Swinomish BNSF Easement, dated 11/25/2013	A	03-20-2023	
36	LeCuyer letter to DiJulio re Swinomish BNSF Easement Rent Adjustment, dated 11/25/2013	A	03-20-2023	
37	Cunningham letter to LeCuyer re letter to DiJulio, dated 12/16/2014	A	03-20-2023	
38	LeCuyer letter to Cunningham re Swinomish BNSF Easement Rent Adjustment, dated 1/12/2015	A	03-20-2023	
39	Cunningham letter to LeCuyer re Easement Payment Adjustment, dated 2/12/2015	A	03-20-2023	
40	Kalb letter to LeCuyer re concerns in meetings and letter, dated 2/12/2015	A	03-20-2023	
41	LeCuyer letter to Cunningham re Swinomish BNSF Easement Rent Adjustment, dated 2/19/2015	A	03-20-2023	
42	Gordon email to Cunningham re IP Capital Meeting, dated 3/4/2015	A	03-20-2023	
43	Cunningham letter re BNSF Easement Payment Adjustment, dated 3/13/2015	A	03-20-2023	
44	Cunningham letter re BNSF Easement Payment Adjustment and Easement Use Issues, dated 3/24/2015	A	03-20-2023	
45	LeCuyer letter to Cunningham and Kalb re Swinomish BNSF Easement, dated 4/6/2015	A	03-20-2023	
46	Shell Tesoro Volumes, dated 2016	A	03-20-2023	

NO.	DESCRIPTION	ADMITTED/ REFUSED	DATE ADMITTED/ REFUSED	NOTES
47	BNSF 2013 Train and Car Count Report and metadata for date	A	03-20-2023	
48	BNSF 2014 Train and Car Count Report and metadata for date	A	03-20-2023	
49	Escobar letter to Brain with 2015 BNSF Car Report, dated 5/19/2015	A	03-20-2023	
50	Escobar letter to LeCuyer with 2016 BNSF Car Report, dated 6/6/2017	A	03-20-2023	
51	Escobar letter to LeCuyer with 2017 BNSF Car Report, dated 4/4/2018	A	03-20-2023	
52	Escobar letter to LeCuyer re 2018 BNSF Car Report, dated 7/26/2019	A	03-20-2023	
53	LeCuyer letter to Escobar re BNSF Reporting of Train and Car Count for Year 2018, with enclosures, dated 8/28/2019	A	03-20-2023	
54	Escobar letter to LeCuyer re Swinomish Indian Tribal Community's Letter Regarding BNSF's 2018 Annual Report, dated 9/10/2019	A	03-20-2023	
55	Lawrence letter to LeCuyer re 2019 BNSF Car Report, with attachment, dated 7/31/2020	A	03-20-2023	
56	Lawrence letter to LeCuyer re 2020 and 2021 BNSF Car Counts, dated 3/3/2022	A	03-20-2023	
57	Brain letter to Lawrence re car counts, dated 3/22/2022	A	03-20-2023	
58	Lawrence letter to Brain and LeCuyer, with attached 2018 through 2021 car count reports, dated 7/29/2022	A	03-20-2023	
59	Master Transportation Contract - Implementing Agreement - Tesoro and BNSF, dated 9/1/2012	A	03-20-2023	
60	BNSF Privilege Log, dated 11/10/2020 and supplements dated 11/18/2022 and 12/1/2022	A	03-20-2023	
60A	BNSF Privilege Log	A	03-20-2023	
61	Dan Fapp Updated Report Exhibits 2-1-23			

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62	Train and Car Count Summaries (Summaries of Exhibits 47–51 and 58)			
63	Matt Teegarden email re Fidalgo Crude Oppty, dated 2/3/2011	A	03-20-2023	
	EXHIBIT NUMBERS 64 THROUGH 500 NOT USED			
501	Resolution No. 2015-03-052: A Resolution Authorizing Action, Including Initiation of Litigation, to Enforce BNSF Easement Terms or Terminate the Easement	A	03-20-2023	
502	April 11, 2014 Letter from Vann Cunningham to Chairman Cladoosby	A	03-20-2023	
503	Photographs	A	03-20-2023	
504	Anacortes Spur Street Map and Topographic Map	A	03-20-2023	
505	BNSF Routes Map	A	03-20-2023	
506	Anacortes Spur Street Map and Topographic Map	A	03-20-2023	
507	Skagit County Planning and Development Services Mitigated Determinatino of Nonsignificance and Notice of Decision	A	03-20-2023	
508	Letter to Larry Campbell from Patrick Currey dated June 21, 2011 re: Tesoro Refining and Marketing Company	A	03-20-2023	
509	Skagit County Planning and Development Services Notice of Development Application and SEPA Comment Period	A	03-20-2023	